



# WISCONSIN REGULATORY DIGEST

Volume 10, No. 2      A Publication of the      OPTOMETRY EXAMINING BOARD      JUNE, 1998

## Legislative Update

### Nurses Accepting Orders From Optometrists

In Chapter 441, Wis. Stats., optometrists have been added to those who may provide orders to nurses, including physicians, podiatrists and dentists.

1997 Wisconsin Act 62 provides that registered nurses and licensed practical nurses may accept orders from optometrists *licensed in Wisconsin as of March 18, 1998*. Nurses may accept orders from optometrists who are *licensed in another state* and who prepare orders after examining a patient in another state **as of May 1, 2000**.

## OPTOMETRY EXAMINING BOARD

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## CE Requirements

**Opt 6.04 Continuing Education.** (1) A certificate holder shall complete 30 hours of approved continuing education relating to diagnosis and management of eye disease or removal of superficial foreign bodies from the eye or from an appendage to the eye in each biennial registration period. Seven of the 30 hours must be in the diagnosis and management of glaucoma, and 2 of the 30 hours must relate to the responsible use of controlled substances and substance abuse concerns, new drugs used for ophthalmic therapeutic purposes which have been approved by the federal food and drug administration or other topics as designated by the board.

Note: A list of approved topics designated by the board for purposes of satisfying the 2 hour course requirement under this section may be obtained from the board at P.O. Box 8935, Madison, Wisconsin 53708.

(2) Continuing education hours may be applied only to the biennial registration period in which the continuing education hours are acquired, except as provided under s. Opt 6.08, to apply credits to the previous biennium to satisfy requirements for renewal of a certificate which has lapsed.

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(3) To obtain credit for completion of continuing education hours, an optometrist

shall, at the time of each renewal of registration, sign a statement certifying that the coursework has been completed. If audited, an optometrist shall submit certificates of attendance issued by each provider or other evidence of attendance satisfactory to the board.

(4) A TPA certificate holder who fails to meet the continuing education requirements of the renewal date may not use therapeutic pharmaceuticals or remove superficial foreign bodies from the eye or from an appendage to the eye after the renewal date until the certificate is renewed under s. Opt 6.08.

(5) Optometrists initially certified under s. 449.18, Stats., within a biennium shall complete one hour of board approved continuing education per month or partial month of certification reported on or before January 1 of the biennium. A minimum of one-quarter of the continuing education hours must be in the diagnosis and management of glaucoma.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (2), (4) and (5), Register, January 1993, No. 445, eff. 2-1-93; renum. (1) to be (1)(a) and am., cr. (1)(b), Register, April, 1994, No. 460, eff. 5-1-94; am. (1)(a), Register, April 1996, No. 484, eff. 5-1-96; renum. (1)(a) to be (1) and am., r. (1)(b), am. (2) to (5), Register, September, 1997, No. 501, eff. 10-1-97.

## **Approval of continuing Education Courses.**

### **Opt 6.05**

**Opt 6.05 Approval of continuing education courses.** (1) Except as provided in sub. (6), to apply for approval of a continuing education course, a course provider shall submit to the board office an application on forms provided by the board and shall include the title, general description and an outline of the course, the dates, the location, the name and qualifications of the instructor of the course, and the sponsor of the course.

(2) The following criteria will be considered in the approval process:

(a) The subject matter of the course pertains to therapeutic pharmaceuticals, removal of superficial foreign bodies from the eye or from an appendage of the eye, responsible use of controlled substances and substance abuse concerns, new drugs used for ophthalmic therapeutic purposes which have been approved by the federal food and drug administration, or other topics as designated by the board.

(b) The provider of the continuing education course agrees to monitor the attendance and furnish a certificate of attendance to each participant.

(c) The provider of the course is approved by the board.

(d) The course content and instructional methodologies.

(3) Except as provided in sub. (6), a separate application shall be submitted for each continuing education course approval request.

(4) If a continuing education course includes subject matter other than the subject matter areas identified under sub. (2)(a), only the board-approved portions of the course which relate to the areas identified under sub. (2)(a), qualify as continuing education required under this chapter.

(5) Alternate delivery method continuing education courses such as home-study courses, self-study packages, computer courses, televideo conferencing and other methods may be approved by the board.

(6) A continuing education course approved by the council on optometric practitioner education which satisfies the criteria established under sub. (2), may be approved by the board without receipt of a course approval application from the provider.

Note: The Council on Optometric Practitioner Education (COPE) is a committee of the International Association of Boards of Examiners in Optometry, Inc. (IAB). An application for course approval by COPE may be obtained at 4330 East West Highway, Suite 1117, Bethesda, Maryland 20814-4408.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91; am. (4), Register, April, 1994, No. 460, eff. 5-1-94; am. (1), (2)(a), (3), cr. (6). Register, May, 1995, No. 473, eff. 6-1-95; am. (2)(a) to (c) and (4), Register, April, 1996, No. 484, eff. 5-1-96.

## **Complaints Against Licensees**

Complaints are processed in the following manner:

All complaints received by the Optometry Examining Board and the Department are routed to the Division of Enforcement (DOE) where they are logged into the computer and given a number.

Complaints are screened by several board members and the supervisor of the DOE prosecutors and the supervisor of the DOE investigators. The complaint screening process results in a decision to open or not open a complaint for investigation. Sometimes additional information is requested of the complainant at this stage of the process. Most boards are now moving toward screening complaints at least once a month.

If a complaint is opened for investigation, it is assigned to a team in DOE. Teams consist of prosecutors, investigators, legal assistants and, in some cases, auditors. A specific prosecutor and investigator is assigned to the case and the investigator commences an investigation as soon as possible. The investigation generally includes corresponding with the complainant, the licensee and other people with relevant information. Documents are reviewed and the investigator often interviews people to obtain more information.

A board member is assigned to the case as an advisor. The board member offers suggestions to the investigator and, after the investigation is concluded, the advisor recommends that the case be closed for a certain specified reason or that the case proceed to possible disciplinary action.

If the case advisor recommends possible disciplinary action, a prosecutor reviews the file and requests additional investigation, if needed. The prosecutor usually offers the licensee an opportunity to agree to a resolution of the matter. The offer may be in the form of a written stipulation for some type of discipline, such as a revocation, suspension, limitation, reprimand, and/or an assessment of all or part of the costs of the investigation and prosecution. If the licensee rejects the stipulation, the attorney schedules a hearing before an administrative law judge. The hearing is like a trial and the licensee may have an attorney represent him or her. After the hearing, the administrative law judge prepares a proposed decision and refers it to the Board.

If a case advisor recommends that a case be closed, the case is reviewed by the Board at its next meeting and the Board either concurs or refers the case for disciplinary action. Stipulations and proposed decisions are also referred to the Board for final disciplinary action. If the Board disagrees with a proposed stipulation, the Board may refer the case back to the prosecutor for more negotiations or, possibly, a hearing. If the Board disagrees with a proposed decision of an administrative law judge, it may change parts of the proposed

decision, but it will have to explain why it is making the change.

There is considerable due process built into the complaint process. Licensees or their attorneys are given many opportunities to respond to proposals and to object to decisions. Ultimately, if a licensee disagrees with the Board's disciplinary decision, the licensee may appeal the case to the Court of Review.

Letters are sent to complainants and licensees at various stages in the process, informing them of receipt of a complaint and the final disposition of a complaint.

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### **Disciplinary Actions**

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JEROME E BECKER, O.D. , REPRIMAND  
MILWAUKEE, WI

The Wisconsin Optometry Examining Board issued a Final Decision and Order in December 1996, in which it found that Dr. Becker's examination records for a patient did not properly document that a minimum visual examination had been conducted. The Board determined that, by failing to record all required patient information, Dr. Becker violated s. OPT 5.08, Wis. Adm. Code. The Board's Order, which is based upon a Stipulation signed by Dr. Becker, states that Dr. Becker is reprimanded and that he shall pay partial costs of the proceeding.

Department of Regulation and Licensing  
Optometry Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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### **Meeting Dates:**

1998: Jun. 19, Jul. 24, Aug. 28, Oct. 16; Dec. 4.

### **Verifications**

Note: regarding requests for verifications.

### **Visit the Department's Web Site**

<http://badger.state.wi.us/agencies/drl/>  
Send comments to [dorl@mail.state.wi.us](mailto:dorl@mail.state.wi.us)

### **Wisconsin Statutes and Code**

Copies of the Optometry Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated March, 1997.

### **Change of Name or Address?**

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

### **Subscription Service**

Bi-annual digest subscriptions are published for all Boards housed within the Department at a cost of \$2.11 each per year. LICENSEES RECEIVE THEIR BOARD REGULATORY DIGEST FREE OF CHARGE. Others may send the fee and this form to the address listed above.

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